

APPEAL NO. 031811
FILED AUGUST 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 10, 2003. The hearing officer determined that the compensable injury of _____, includes cervical outlet syndrome, bulges at C4 through C7, and a herniation at C6-7. The appellant (claimant) appeals on sufficiency of the evidence grounds, asserting that the injury also includes thoracic outlet syndrome, a bulge at C3-4, and changes at C7-T1. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant requests that the Appeals Panel consider a paper regarding thoracic outlet syndrome contained in Claimant's Exhibit No. 14. We note that the claimant withdrew the document, on the carrier's objection that it was not timely exchanged. Accordingly, we decline to consider the document for the first time on appeal.

The hearing officer did not err in making the complained-of determination. The determination involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer considered the evidence and found that the compensable injury did not include thoracic outlet syndrome, a bulge at C3-4, and changes at C7-T1. In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Edward Vilano
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge